

REMARKS

Applicant thanks the Examiner for the indication that claims 19-23, 25-30, 33-39, 41, 44, 46-47, 49-53, 65, 69-70, 73-74, 77-78, 81-82, and 136-158 are allowable except for a double patenting rejection, and that claims 3-4, 7, 10-11, 14, 17-18, 59-61, 63, 85, and 88-89 are allowable except for that rejection and if rewritten in independent form including all limitations of the base claim and any intervening claims.

Applicant seeks the promptest possible passage of the application to issue because the allowable claims, once issued, are likely to significantly impact the outcome of ongoing licensing activities regarding the application and its issued and pending counterparts. Accordingly, applicant has chosen to immediately remove all obstacles to allowance of the application as follows:

- Responsive to the 35 U.S.C. § 102 rejection of claims 1-2, 8-9, 12-13, 54-55, 58, 83-84, 86-87, and 90-135, all of those claims are summarily canceled without prejudice, along with claims 156-158 that variously depend from them. A new continuation application is forthcoming that will re-submit the canceled claims along with an explanation of why applicant believes they are allowable over the references of record, including U.S. Patent 5,134,509 to Olshansky *et al.* cited by the rejection.
- Responsive to the double patenting rejection of claims 19-23, 25-30, 33-39, 41, 44, 46-47, 49-53, 65, 69-70, 73-74, 77-78, 81-82, and 136-155, applicant submits herewith a Terminal Disclaimer in compliance with 37 C.F.R. § 1.321(c). Claims 39 and 65 have been amended, solely to correct a typographical error.
- Responsive to the objection to claims dependent upon a rejected base claim, applicant has rewritten claims 3, 7, 10, 14, 17, 59, 85, and 88 in independent form so that they and their dependent claims 4, 11, 18, 60-61, 63, and 89 are now allowable.

All that remains pending upon entry of this amendment are indisputably allowable claims 3-4, 7, 10-11, 14, 17-23, 25-30, 33-39, 41, 44, 46-47, 49-53, 59-61, 63, 65, 69-70, 73-74, 77-78, 81-82, 85, 88-89, and 136-155. Claims 3, 7, 10, 14, 17, 19, 23, 39, 59, 65, 74, 85, 88, and 136 are independent, for a total of fourteen independent claims now pending.

Applicant respectfully urges that this amendment be entered and the application passed to issue without delay. Unfortunately, the Office's apparent backlog of cases has already caused it to take some two and a half years from applicant's August 2003 filing date for the present indication of allowable claims to materialize, notwithstanding the fact that this application has an effective pendency of over ten years.

If it would at all help expedite the application's remaining processing, applicant requests that the application be designated as a "special case" based on its long effective pendency. The application has long qualified for such a designation, being one of the "special cases" that MPEP 708.01(I) lists separately from and in addition to those requiring a petition (which this does not):

The following is a list of special cases (those which are advanced out of turn for examination):

...

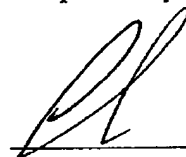
(B) Applications made special as a result of a petition. . . .

...

(I) Applications pending more than 5 years, including those which, by relation to a prior United States application, have an effective pendency of more than 5 years [emphasis added].

Please feel free to telephone the undersigned if there any questions or matters that need to be discussed in order for this amendment to get entered promptly and prosecution of this application expeditiously concluded.

Respectfully submitted,



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